

## **MINUTES OF THE DEKALB COUNTY DRAINAGE BOARD MEETING OF OCTOBER 8, 2020**

Chairman Randall J. Deetz called the regular meeting of the DeKalb County Drainage Board to order at 8:30 a.m., Thursday October 8<sup>th</sup>, 2020. Answering roll call was Randall J. Deetz; Michael E. Krehl; Donald D. Grogg; Jacqueline R. Rowan and William L. Hartman.

ALSO PRESENT: Drainage Board Attorney Shannon E. Kruse; surveyor staff member Nate Frye.

IN ATTENDANCE: Auditor Jan Bauman; Susan Sleeper; Kevin Heller.

**APPROVAL OF MINUTES:** A motion was made by Bill Hartman to approve the Minutes of October 1<sup>st</sup>, 2020 as standard minutes taken by the DeKalb County Drainage Board, seconded by Jacqueline Rowan, motion carried.

*Chairman Deetz stated that he did send a letter on the Eric Morris Drain Number 416-00-0 to put him on notice.*

**STATUS ON F. H. GEE DRAIN NUMBER 429-00-0 LETTER:** Nate Frye stated that Mike has not finished this yet. Nate said he is hopeful that Mike will get that done by tomorrow October 9<sup>th</sup>, 2020.

It was questioned if the Drainage Board Attorney could draft a letter and the answer was yes, she could. Nate said that he was sure that Mike would be glad to hand that over but was hopeful that he would get that done by tomorrow.

Drainage Board Attorney questioned if there was documentation in the Surveyors office of what took place (in violation) and Nate said yes, there are photo's; GPS shots; inspectors reports on file and there was a conversation with the landowner to cease and desist. Shannon stated that a letter still needs to be written, sent and on file.

Chairman Deetz stressed that it is important to get this letter out as soon as possible. Nate was instructed to ask Mike if he can get the letter done or if he'd prefer the attorney take that over.

Nate said that he hasn't seen this situation but his thinking was to look at the 'stop orders' that the Building Department uses and take the verbiage from that to give the surveyors office field inspectors something that they would have to give readily to those who are in violation as a notice to stop.

**INFORMATIONAL:** Letter from Steuben County regarding State Board of Accounts was reviewed and discussed. It was noted that there are four Commissioners, two from Steuben and two from DeKalb who will either be retiring or were not re-elected and therefore there will be new Commissioners in place, so it would be beneficial to try to resolve this prior to the end of the 2020 year.

Jan Bauman stated that she didn't agree with statements made in the letter by Steuben County, her office has been working with State Board of Accounts from the start on the issues at hand; every single drain had to be recreated from when the books actually balanced. Every receipt was gone through, as were the disbursements from current, back to 2006, which took a phenomenal amount of time. State Board went through all of those records before making their determination. Jan stated that they understood that this was only the maintenance side and that there is still issues on the reconstruction side and they are working with Bill Akey from State Board to get that resolved. Jan stated that the goal is to get this all cleaned up and resolved making sure that we do not have monies belonging to Steuben or they having money that belongs to DeKalb. It's important to keep a good working relationship between the two counties.

Chairman Deetz stated that his statement which he made in 2010 was that the Surveyor's office had stated that they didn't agree with the Auditor's office; at the Joint meeting there was discussion about DeKalb owing money so he spoke directly to the then Auditor who had said that the books hadn't balanced (with the Surveyor's office) for three/four years.

Drainage Board Attorney Shannon Kruse works closely with Steuben County and was asked her thoughts on moving forward. Shannon stated that with the passing of Larry Gilbert and a new caucus being held in November, the two ladies in the Surveyor's office in Steuben County are responsible for keeping that Board informed until then. Reaching out to Steuben County would be very helpful at this point, they were startled with this coming out of nowhere and not being advised of what was coming. From their perspective, Steuben County has been trying for four years to shake down payments and kept being told that they (DeKalb) were going to get to it.

Susan Sleeper stated that she is waiting on State Boards at this point but in the beginning of all of this she reached out to the Auditor of both Steuben and Allen Counties. When emails are being sent now, those who are directly involved are being attached in those emails.

**UTILITY PERMIT – NORTHERN INDIANA PUBLIC SERVICE:** Chairman Deetz stated that this utility permit that had previously been brought before the Board and involves a joint drain (*Thomas Malone Lateral 2 Drain Number 3002-02-0*) where the work is being done in DeKalb County however, the Joint Steuben Board has jurisdiction over the drain.

Don Grogg took this to the Maumee River Basin meeting but was told to have attorney Shannon Kruse bring it to their (Steuben) Monday meeting and that is how the permit got signed by Chairman Ron Smith.

Nate Frye noted that was/has been signed is the Highway Permit, not the drainage permit, so Nate will prepare the correct paperwork and get that to Steuben County.

Don Grogg moved that the DeKalb County Drainage Board waives their rights giving Steuben County complete jurisdiction in signing this document for the Utility Permit for Northern Indiana Public Service, seconded by Jacqueline Rowan, motion carried.

**UPDATES:** *Eric Morris Drain Number 416-00-0* pictures were presented by Nate Frye of the area of contention. There has been landscaping (trees/shrubs) done in this area and Nate said he has no concerns with what is being planted; the outstanding issue is that the contractor was going to go back and do additional final grading/seeding but based on the pictures, more harm than good would be done by doing that at this point.

*Marvin Walker Drain Number 403-00-0* the grading issues have been addressed on the Co-op's property and seeded. Nate said he will be working on finalizing the finances on this and will get that to the Treasurer's office.

*William Bickel Drain Number 133-00-0* the tile has been moved and the last he knew the beans were still on, so once those are off they will be able to move forward on deciding what to do with the tile.

Chairman Deetz stated that it is imperative in order to bill the Bickel drain out, to take the tile out of that cost, the billing cycle needs to be processed and completed. Also, on the Eric Morris when we have a landowner who is planting trees and shrubs on top of the tile, we can't be consistent in allowing that, so for Nate to say he isn't concerned with that,

that is an issue. It was questioned if this landowner who has planted these things be put on notice.

Nate said that the landowner notice addresses ‘this’ by stating that if anything is put in the right-of-way, it is at the risk of the owner. It doesn’t say explicitly that you can’t plant, it says **if** you plant in the drain and we have to rip it out, or they have to rip it out, that the landowner will have to pay for it.

Drainage Board Attorney Shannon Kruse stated that is not a correct statement (made by Nate), in Code Section 36.9.27.33 ‘*trees, shrubs and woody vegetation may **not** be planted in the right-of-way **without the written consent** of the Board*’.

It was questioned if this landowner should be made aware that he is not in compliance with Indiana Drainage Board Code and the Board agreed he should be put on notice.

ALSO: Nate said he is reaching out to Clifford’s next week to make sure he is planning time to install the *Ozro Freeman Drain Number 175-00-0*.

Nate said he is still in talks with the State regarding the road crossing on the *Guy Platter Drain Number 112-00-0*. Nate said he is using this as his template so that once he gets this nailed down he can then roll into the State Road 4 in Ashley and the Matson Lateral on SR 327.

**NOTE:** Jacqueline Rowan stated that before a letter would go to Steuben County she wants Attorney Shannon Kruse to see it and okay it before it is sent.

**NOTE:** Drainage Board Attorney Shannon Kruse asked that at the next scheduled meeting that Nate Frye bring her a copy of the ‘general contract’ that is given to contractors so she can review it.

**INFORMATIONAL:** Nate Frye stated that a meeting was held concerning the Allen County/DeKalb County ongoing discussion. Purdue recorded the entire meeting and will be posting a video of that meeting by the 15<sup>th</sup> of October so Nate will forward the link to and encouraged everyone to watch that. This group is looking at flooding, pollution, recreation and drainage and how that affects the maintenance of the corridor and the watershed.

There being no further business, meeting adjourned.

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Randall J. Deetz, Chairman

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Brenda F. Myers, Administrative Assistant